

FILED

MAY 22 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

YAHOO! INC., a Delaware corporation,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, a
Pennsylvania corporation,

Defendant.

Case No.: 5:17-cv-00489-EJD

FINAL JURY VERDICT FORM

VERDICT

We, the jury, unanimously find as follows:

1. Has Yahoo proven by a preponderance of evidence that National Union acted in bad faith when it failed to defend Yahoo in several class action lawsuits that were brought against Yahoo? (Please answer "Yes" or "No.")

ANSWER: Yes

If you answered "Yes" to this question, answer Question 2. If you answered "No," stop here, answer no further questions, and have the foreperson sign and date this form.

2. Has Yahoo proven by a preponderance of the evidence that the bad faith conduct you found in Question 1 was a substantial factor in causing Yahoo harm? (Please answer "Yes" or "No.")

ANSWER: Yes

If you answered "Yes" to this question, answer Question 3. If you answered "No," stop here, answer no further questions, and have the foreperson sign and date this form.

3. What are Yahoo's damages for the harm you found in Question 2 was caused by National Union's bad faith conduct?

- a. The costs of defending the *In re Yahoo Mail Litigation* (i.e., the consolidated *Holland, Kevranian, Nobles, and Zelaya* lawsuits)?

\$ 0

- b. The costs of settling the *In re Yahoo Mail Litigation* (i.e., the consolidated *Holland, Kevranian, Nobles, and Zelaya* lawsuits)?

\$ 0

- c. The costs of the reasonable attorney fees incurred to obtain policy benefits?

\$ 618,380.00

Answer Question 4 if you awarded any damages in response to Question 3. If you awarded no damages in response in response to Question 3, stop here, answer no further questions, and have the foreperson sign and date this form.

1 4. Has Yahoo proven by clear and convincing evidence that National Union
2 engaged in bad faith conduct with malice, oppression, or fraud as described in
3 Jury Instruction No. 17: Punitive Damages? (Please answer "Yes" or "No").
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5 ANSWER: No
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7 **Please date, sign, and return this Verdict.**

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9 DATED: 05/22/2019

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11 SIGNED: 
12 **Foreperson**
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